



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3564**
Sadanobu SHIRAI et al. : Attorney Docket No. 2005_0152A
Serial No. 10/524,858 : Group Art Unit 1618
Filed February 18, 2005 : Examiner Hasan Syed Ahmed
PATCHES
CONTAINING TULOBUTEROL : **Mail Stop: AF**

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RESPONSE AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE UNDER 37.CFR.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1600**

Sir:

Responsive to the Office Action of January 25, 2008, the time for responding thereto being extended for one month in accordance with a Petition for Extension of Time submitted herewith, Applicants submit the following remarks in support of the patentability of the presently claimed invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Thus, the rejection of claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over Nakano et al. (USP 6,117,447) is respectfully traversed.

Applicants continue to rely on their arguments of record in support of the patentability of the presently claimed invention over the disclosure of this reference.

As Applicants have previously noted, the Nakano et al. reference corresponds to JP 11-228395 which is cited on page 1 of the present specification, and Comparative example 6 on page 14 of the present specification corresponds to Example 8 of JP '395.

As pointed out in the discussion of JP '395 beginning on page 1 of the present specification, when a patch of JP '395 is preserved for a long time, changes in temperature, etc.